

REMARKS

Applicant thanks Examiner Mendoza for indicating the allowance of claims 35-39, and the allowability of claims 14-17, 19, 28 and 29. The allowable claims have been placed in condition for allowance, without narrowing their scope.

Claims 40-55 have been withdrawn from consideration by the Examiner. While Applicant does not agree with the Examiner's assessment, to facilitate prosecution these claims are being cancelled without prejudice to reconsideration in this or a continuing application.

Claims 1-13, 18, 20-27 and 30-34 have been initially rejected as allegedly obvious over the Pierce reference (US 5,405,359). Reconsideration of these claims in light of the amendments and remarks herein is respectfully requested.

The Allowable Claims Have Been Amended Into Independent Form

Claims 14, 15, 19 and 28 have been amended to place each in independent form, with features recited in claims from which they depend. No narrowing of any of these claims has occurred. With these amendments, claims 14-17, 19, 28 and 29 should be allowed.

Claims 1-13, 18, 20-27 and 30-34 Are Allowable

It is respectfully noted that the Office Action did not discuss all features of the claims and where they are alleged to be found in the Pierce reference, or all of the modifications to Pierce that are needed and how they would be obvious to one of ordinary skill in the art. On this basis, it is submitted that no sufficient case of obviousness has been made. However, to move this case more quickly to allowance, the above-noted amendments to these claims have been made.

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Claim 1 has been amended with a recitation of loops in the suture and an actuating member extending through at least one of the loops. This subject matter is clearly shown in at least Figures 1 and 6 and associated text, as well as recited in original claim language. The Pierce reference does not show or suggest all features of claim 1, at least because it does not show or suggest an actuating member extending through a loop in a suture. That subject matter was included in allowable claim 15, and is a basis for its allowability. Claims 2-13, 18 and 21-24 depend from claim 1, and are thus allowable on that basis and/or on their own merit.

Claim 25 has been amended in similar manner to claim 1. It is supported by the specification and allowable over the Pierce reference for at least the reasons given with respect to claim 1. Dependent claims 26-27 are allowable based on their dependence from claim 25, and/or on their own merit.

New Claims

New independent claim 56 and its dependent claims 57-59 are offered. They are supported at least by Figures 1 and 6 and associated text, including paragraph 0024 of the application as published. As discussed above, the Pierce reference does not show or suggest at least an actuating member extending through a loop, and therefore it is allowable.

The Pierce reference also does not show or suggest a second actuating member as recited in claim 57, its looped arrangement as recited in claim 58, or an actuating member extending through two loops as recited in claim 59. Thus, claims 57-59 are allowable based on their dependence from claim 56 and/or on their own merit.

New dependent claims 60-61 are offered, which depend from claim 1. They include language similar to that in claims 58 and 59, discussed above. They are supported by the

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specification for generally the same reasons as claims 58 and 59, and are allowable based on their dependence from claim 1 and/or on their own merit.

New claims 62-63 are offered, which depend from claim 28. They include language similar to other dependent claims pending in this application, and are supported by the application on at least that basis. They are allowable based on their dependence from claim 28 and/or on their own merit.

New independent claim 64 recites a method, and includes most of the language of withdrawn and now-cancelled claim 40, but with a recitation of providing the device recited in claim 1. With that connection to the structure of claim 1, it is believed that claim 62 is properly offered and should not be restricted out under the previous restriction requirement. For the sake of efficiency, only method claim 62 has been offered at this time, so that Examiner Mendoza can consider it and determine that it is allowable and proper in this application. Applicant reserves the right to offer further claims dependent from claim 62 once that determination is made.

Cancelled Claims

Independent claim 20 has been cancelled without prejudice to reconsideration in this or a continuing application. No admission is being made concerning the patentability of the subject matter of claim 20, and its dependent claims 21-24 have been made dependent from other pending claims.

Claims 30-34 have been cancelled without prejudice to reconsideration in this or a continuing application. No admission is being made concerning the patentability of the subject matter of claims 30-34.

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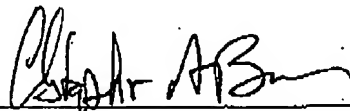
Method claims 40-55 were withdrawn from consideration by the Examiner pursuant to his prior restriction requirement. It is believed that these claims can be considered in this application. Nevertheless, to move this application more quickly to allowance, claims 40-55 have been cancelled without prejudice to reconsideration in this or a continuing application. No admission is being made concerning the patentability of the subject matter of claims 40-55.

Conclusion

The above remarks and amendments are not intended to provide an exhaustive basis for patentability or concede the basis for the rejections in the Office Action, but are provided to move this application to allowance in the most expedient fashion. The right to provide additional remarks on these or other points, as may be necessary, is reserved.

It is respectfully submitted that the present application is in condition for allowance. If Examiner Mendoza feels that any issues remain, a telephone call to Applicant's undersigned representative is respectfully requested.

Respectfully submitted,



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